

Second Amendment and Response under 37 C.F.R. 1.116

Applicant: Wesley R. Schalk et al.

Serial No.: 10/657,973

Filed: September 9, 2003

Docket No.: 100201968-4

Title: POWER TRANSMISSION ARRANGEMENT

REMARKS

The following Remarks are made in response to the Final Office Action mailed April 10, 2006, in which claims 11-13, 17-21, 24, and 30-35 were allowed, claims 25-29 were rejected, and claim 16 was objected to.

With this Amendment, claims 16 and 25-29 have been cancelled without prejudice. Claims 11-13, 17-21, 24, and 30-35, therefore, remain pending in the application and are presented for reconsideration and allowance.

This Amendment is being submitted to further prosecution and permit the issuance of a patent on the allowable subject matter, and should not be construed as acquiescence by Applicant in any outstanding objections or rejections. In addition, Applicant reserves the right to pursue the content of any cancelled claims in a continuing application.

Claim Objections

Claim 16 is objected to as being dependent upon a cancelled claim.

With this Amendment, claim 16 has been cancelled without prejudice. The objection to claim 16, therefore, is rendered moot.

Claim Rejections under 35 U.S.C. § 102

Claims 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Kato US Patent No. 5,697,603.

Claims 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al. US Patent No. 4,843,903.

With this Amendment, claims 25-29 have been cancelled without prejudice. The rejection of claims 25-29 under 35 U.S.C. 102(b), therefore, is rendered moot.

Allowable Subject Matter

Claims 11-13, 17-21, 24, and 30-35 are allowed. Applicant appreciates the indicated allowance of these claims.

Applicant agrees with the Examiner's conclusions regarding patentability without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicant submits that the above-identified claims are allowable because the prior art fails to

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teach, anticipate or render obvious the invention as claimed, independent of how the invention is paraphrased.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 11-13, 17-21, 24, and 30-35 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Robert D. Wasson at Telephone No. (360) 212-2338, Facsimile No. (360) 212-3060 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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SAL:hsf


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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on this 10th day of July, 2006.

By 

Name: Scott A. Lund